

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION

Curtis Justin Bearden,) Case No. 2:21-cv-1144-HMH-MGB
)
)
Plaintiff,)
)
)
v.)
)
)
Oconee County Detention Center Staff)
and Jeremy Chapman,)
)
)
Defendants.)
)

ORDER

Plaintiff Curtis Justin Bearden, a state detainee proceeding *pro se*, has filed a civil action seeking relief under 42 U.S.C. § 1983. (Dkt. No. 1.) Under Local Civil Rule 73.02(B)(2) (D.S.C.), pretrial proceedings in this action have been referred to the assigned United States Magistrate Judge.

TO PLAINTIFF:

The Court cannot authorize service of the Complaint at this time, as you have not filed an application to proceed *in forma pauperis* or paid the filing fee. Until the fee is paid or permission to proceed *in forma pauperis* is granted, the Court cannot determine whether process should issue in this case.

Under General Order, *In Re: Procedures in Civil Actions Filed by Prisoner Pro Se Litigants*, No. 3:07-mc-5014-JFA (D.S.C. Sept. 18, 2007), the undersigned is giving you **twenty-one days from the date this Order is entered, plus three days for mail time**, to perform the following actions: **If you are not indigent, you must pay the \$350.00 filing fee, and pay the additional \$52.00 administrative fee set by the Judicial Conference.** The \$400.00 check for the filing fee should be made payable to "Clerk, U.S. District Court." **If you believe you are indigent, you must complete, sign and return the enclosed Application to Proceed Without Prepayment of Fees and Affidavit (Form AO 240).** One blank Form AO 240 is enclosed for your use.

No process shall issue until the items specified above have been reviewed by the assigned Magistrate Judge.

If you do not pay the fee or submit a complete Form AO 240 within the time permitted under this Order, **this case may be dismissed for failure to prosecute and to comply with an order of this Court under Rule 41 of the Federal Rules of Civil Procedure.**

You must place the civil action number listed above (No. 2:21-cv-01144-HMH-MGB) on any document you provide the Court. **Any future filings in this case must be sent to the Court at P.O. Box 835, Charleston, South Carolina 29402.** All documents requiring your signature shall be signed with your full legal name written in your own handwriting. You must *not* use the "s/typed name" format used in the Electronic Case Filing System. In all future filings with this court, you must use letter-sized (8½ inches by 11 inches) paper only, write or type text on only one side of a sheet of paper, and not write or type on both sides of any sheet of paper. You must not write to the edge of the paper, but must instead leave one inch-margins on the top, bottom, and sides of each paper submitted.

You are ordered to always keep the Clerk of Court advised **in writing (P.O. Box 835, Charleston, South Carolina 29402)** if your address changes for any reason, so as to assure that orders or other matters that specify deadlines for you to meet will be received by you. If, as a result of your failure to comply with this Order, you fail to meet a deadline set by this court, **your case may be dismissed for violating this Order.** Therefore, if you have a change of address before this case is ended, you must comply with this Order by immediately advising the Clerk of Court in writing of such change of address and providing the Court with the docket number of all pending cases you have filed with this Court. Your failure to do so will not be excused by the Court.

TO THE CLERK OF COURT:

The Clerk shall mail a copy of this Order and the proper form documents to Plaintiff. If Plaintiff fails to provide the items specified above to the Clerk within the period prescribed in this Order, the Clerk shall forward the file to the assigned United States District Judge to determine whether to enter an order of dismissal. *See In Re: Procedures in Civil Actions Filed by Prisoner Pro Se Litigants*, No. 3:07-mc-5014-JFA (D.S.C. Sept. 18, 2007). If, however, Plaintiff provides the items specified above, the Clerk should forward the file to the undersigned to determine if service of process should be authorized.

The Clerk shall not enter any change of address submitted by Plaintiff which directs that mail be sent to a person other than Plaintiff unless that person is an attorney admitted to practice before this Court who has entered a formal appearance.

IT IS SO ORDERED.



MARY GORDON BAKER
UNITED STATES MAGISTRATE JUDGE

April 26, 2020
Charleston, South Carolina

Plaintiff's attention is directed to the **important warning** on the next page.

IMPORTANT INFORMATION—PLEASE READ CAREFULLY

WARNING TO PRO SE PARTY OR NONPARTY FILERS

ALL DOCUMENTS THAT YOU FILE WITH THE COURT WILL BE AVAILABLE TO THE PUBLIC ON THE INTERNET THROUGH PACER (PUBLIC ACCESS TO COURT ELECTRONIC RECORDS) AND THE COURT'S ELECTRONIC CASE FILING SYSTEM. **CERTAIN PERSONAL IDENTIFYING INFORMATION SHOULD NOT BE INCLUDED IN, OR SHOULD BE REMOVED FROM, ALL DOCUMENTS BEFORE YOU SUBMIT THE DOCUMENTS TO THE COURT FOR FILING.**

Rule 5.2 of the Federal Rules of Civil Procedure provides for privacy protection of electronic or paper filings made with the court. Rule 5.2 applies to **ALL** documents submitted for filing, including pleadings, exhibits to pleadings, discovery responses, and any other document submitted by any party or nonparty for filing. Unless otherwise ordered by the court, a party or nonparty filer should not put certain types of an individual's personal identifying information in documents submitted for filing to any United States District Court. If it is necessary to file a document that already contains personal identifying information, the personal identifying information should be **“blacked out” or redacted** prior to submitting the document to the Clerk of Court for filing. A person filing any document containing their own personal identifying information **waives** the protection of Rule 5.2(a) by filing the information without redaction and not under seal.

1. Personal information protected by Rule 5.2(a):

- (a) **Social Security and Taxpayer identification numbers.** If an individual's social security number or a taxpayer identification number must be included in a document, the filer may include only the last four digits of that number.
- (b) **Names of Minor Children.** If the involvement of a minor child must be mentioned, the filer may include only the initials of that child.
- (c) **Dates of Birth.** If an individual's date of birth must be included in a document, the filer may include only the year of birth.
- (d) **Financial Account Numbers.** If financial account numbers are relevant, the filer may include only the last four digits of these numbers.

2. Protection of other sensitive personal information—such as driver's license numbers and alien registration numbers—may be sought under Rule 5.2(d) (filings made under seal) and (e) (protective orders).